

SENATE BILL 2081  
By Rochelle

AN ACT to amend Tennessee Code Annotated, Section 2-6-201; Section 48-101-301; Section 63-1-117; Title 68, Chapter 11; Section 68-29-122 and Section 71-6-103, relative to redefining homes for the aged and home for the aged residents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-201(7), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(7) "Assisted living facility" means a facility represented and held out to the general public as a facility which accepts persons for relatively permanent domiciliary care. An assisted living facility provides room, board and personal services to one (1) or more nonrelated persons.

An assisted living facility may provide care and shall be subject to licensure and meet such requirements and minimum standards as the board shall prescribe in regulations pursuant to § 68-11-209. The board shall, after consultation with the state fire marshal, include in such regulations fire safety standards which afford reasonable protection to assisted living facility residents without unduly disturbing the residential atmosphere to which they are accustomed. No license to operate an assisted living facility shall be issued if the facility is not approved by the local zoning, building and fire safety authorities to provide residential custodial care. The board shall employ one (1) or more fire safety experts who shall be annually certified to be qualified in deciding whether an application for a license to operate an assisted living facility ought to be granted. In the absence of local authority and when deemed necessary by the board,

approval of the facility by the board's certified fire safety expert is required. The board has sole authority to issue and revoke licenses for assisted living facilities. The board has the authority to establish fees. The board has the authority to determine whether or not any institution or agency comes within the scope of this part, and its decisions in that regard shall be subject only to such rights of review as the courts exercise with respect to administrative actions;

SECTION 2. Tennessee Code Annotated, Section 68-11-201(8), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(8) "Assisted living facility resident" means any person requiring permanent, domiciliary care and who is unable to care for themselves at the time of admission and who will be transferred to a licensed hospital or licensed nursing home when more technical nursing care is needed than the personnel and facilities can offer in an assisted living facility;

SECTION 3. Tennessee Code Annotated, Section 2-6-201(3)(B), is amended by deleting the language "home for the aged" and by substituting instead the language "assisted living facility".

SECTION 4. Tennessee Code Annotated, Section 48-101-301(14)(C), is amended by deleting the language "home for the aged" and by substituting instead the language "assisted living facility".

SECTION 5. Tennessee Code Annotated, Section 63-1-117(a)(10), is amended by deleting the language "homes for the aged" and by substituting instead the language "assisted living facilities".

SECTION 6. Tennessee Code Annotated, Section 68-11-202(a)(1), is amended by deleting the language "homes for the aged" and by substituting instead the language "assisted living facilities".

SECTION 7. Tennessee Code Annotated, Section 68-11-202(c)(1), is amended by deleting the language “home for the aged” and by substituting instead the language “assisted living facility”.

SECTION 8. Tennessee Code Annotated, Section 68-11-203(a), is amended by deleting the language “home for the aged” wherever such language appears and substituting instead the language “assisted living facility” and by deleting the language “homes for the aged” wherever such language appears and substituting instead the language “assisted living facilities”.

SECTION 9. Tennessee Code Annotated, Section 68-11-204(a)(1), is amended by deleting the language “home for the aged” and by substituting instead the language “assisted living facility”.

SECTION 10. Tennessee Code Annotated, Section 68-11-204(b) and (c), are amended by deleting the language “homes for the aged” and by substituting instead the language “assisted living facilities”.

SECTION 11. Tennessee Code Annotated, Section 68-11-206(1), (4) and (5), are amended by deleting the language “home for the aged” and by substituting instead the language “assisted living facility”.

SECTION 12. Tennessee Code Annotated, Section 68-11-207(b)(1), is amended by deleting the language “home for the aged” and by substituting instead the language “assisted living facility”.

SECTION 13. Tennessee Code Annotated, Section 68-11-209(a), is amended by deleting the language “homes for the aged” and by substituting instead the language “assisted living facilities”.

SECTION 14. Tennessee Code Annotated, Sections 68-11-209(c) and (d)(1), 68-11-210(a)(1) and (b)(2)(A), 68-11-213(a)(1) and (2) and (b)(1), 68-11-216(a), 68-11-219(a), 68-11-903, 68-11-1006(a)(1) and (3) and 68-29-122, are amended by deleting the language “home for the aged” and by substituting instead the language “assisted living facility”.

SECTION 15. Tennessee Code Annotated, Section 71-6-103(d)(2), is amended by deleting the language “home for the aged” and by substituting instead the language “assisted living facility”.

SECTION 16. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 1996, the public welfare requiring it.